(5) (F) SINGLE BENCH

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) Am NO. 494 ~~OF 2006~~ 7

PETITIONER: Anmol Singh, aged about 40 years, son of Late Shri Bahoran Singh Porte, resident of village Daunjare, post Lalpur, Pendra Road, District Bilaspur (C.G.)

VERSUS

RESPONDENT: UCO Bank, a registered office at 97 Anand Nagar, Raipur, District Raipur (C.G.)

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Diary No. 23404/06
Presented by Shri AK Bhatt dekar
Dated 13/12/06
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2826 Am 3.1.07

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN FORM OF CERTIORARI OR ANY OTHER WRIT OR ORDER OR DIRECTION, AS THE FACTS AND CIRCUMSTANCES OF THE CASE WARRANT

OATH COMMISSIONER APARNA

(34)

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (s) 494 of 2007

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

Petitioner : Anmol Singh

Versus

Respondent : UCO Bank, a registered office at 97 Anand Nagar, Raipur (C.G.)

Present:

Mr. G.S. Agrawal, Senior Advocate with Mr. U.R. Khoshaley, Advocate for the petitioner.

ORDER

(Passed on 25th Day of January, 2007)

1. By this petition, the petitioner impugns the termination order dated 17.1.2004 (Annexure P/6), whereunder the appellate authority i.e. General Manager (Operations. I) rejected the appeal against the order dated 22.2.2003, passed by the disciplinary authority imposing punishment of removal from service with superannuation benefits i.e. Pension and/or Provident Fund and gratuity as would be due otherwise under the rules and Regulations prevailing at the relevant time and without disqualification from future employment.

2. The indisputable facts, in nutshell, are that the petitioner, while working as Head Cashier in Cash Section of the

Respondent-Bank, Branch at Masturi, was served with a charge-sheet on 27.1.2003 on following charges:-

> "i) Doing act prejudicial to the interest of the bank - a gross misconduct as per clause 5 (j) of Settlement dated 10.04.2002.
>
> ii) Gross negligence involving serious loss to the bank - a gross misconduct as per clause 5 (j) of Settlement dated 10.04.2002"

Several allegations of fictitious credit entries in Recurring Deposit Account ledger folio(s), thus tempered with Bank's records to cover up misappropriation of account holder/(s) money were made. It was alleged that the various acts of commissions and omissions in the course of his duties causes shortage of cash to the tune of Rs. 9,000/- and consequently pecuniary loss to the bank.

3. The petitioner met the senior officers, but did not submit his reply. He submitted before the authorities that the petitioner be pardoned for the acts of omissions and commissions and expressed his intention to deposit the entire amount, which was allegedly misappropriated by him. In absence of the reply, the departmental inquiry proceeded by the order dated 31.7.2003 (Annexure P/3). The disciplinary authority i.e. Assistant General Manager passed the order of punishment, as stated above. Thereafter, the petitioner was afforded personal hearing and

the order was finally confirmed vide order dated 20.9.2003 (Annexure P/5).

4. Against the order dated 20.9.2003, passed by the disciplinary authority, the petitioner preferred an appeal before the appellate authority i.e. General Manager (Operations.I). The appellate authority, by his order dated 17.1.2004 (Annexure P/6), confirmed the order passed by the disciplinary authority i.e. Assistant General Manager and rejected the appeal accordingly.

5. Being aggrieved, the petitioner filed the instant petition impugning the order of the appellate authority not on the ground that the inquiry was perverse and finding was based on no evidence, but on the ground that the petitioner belongs to Scheduled Tribe and he should not be expected the same standard of working. Thus, the petitioner should be given an opportunity of mending himself by quashing the order of removal. The petitioner has not raised any other ground seeking indulgence of this Court in exercise of its power under Article 226 of the Constitution of India.

6. The above contention of learned counsel for the petitioner is not tenable. The employee cannot be distinguished on the basis of community, caste, creed, sex and residence. So far as the official duties are concerned, rules and regulations governing conduct and duties of an employee also do not distinguish on the basis of community, caste, creed, sex and residence.

Distinguishing from one employee to other employee may be unconstitutional and against the public policy. Thus, this Court is not inclined to take exception to the impugned order which even according to the petitioner is not bad on any other permissible ground i.e. perversity, infirmity, unconstitutional and case of no evidence etc.

7. The Supreme Court in catena of decisions and recently in the case of **State Bank of India and others Vs. Ramesh Dinkar Punde**[1] held that an employee holds a position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with the matter leniently. In the banking business, absolute devotion, diligence, integrity and honesty needs to be preserved by every bank employee. It is for this reason that when a bank officer commits misconduct, as in the present case, for his personal ends and against the interest of the bank and the depositors, he must be dealt with iron hands and he does not deserve to be dealt with leniently.

8. It is well settled principle of law that the scope of judicial review is limited to the deficiency in decision-making process not the decision. In the present case, there is no rationality, illegality or procedural irregularity, which require interference in the finding of the enquiry officer and the decision of the disciplinary authority for imposition of punishment.

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9. As a result, and for the reasons-stated hereinabove, the writ petition deserves to be and is dismissed summarily. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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1. (2006) 7 SCC 212

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